

UNITED STATES BANKRUPTCY COURT District of New Jersey
Caption in Compliance with D.N.J. LBR 9004-1(b)  Albert Russo Cn 4853 Trenton, NJ 08650 (609) 587-6888
In re:  Joseph LaMountain Mary M. LaMountain  Debtor(s)



Order Filed on May 8, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 16-26435 / MBK

Hearing Date: 04/25/2017

Judge: Michael B. Kaplan

Chapter: 13

### ORDER CONFIRMING CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

**DATED: May 8, 2017**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

The plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

**ORDERED** that the plan of the above named debtor, dated 08/29/2016, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

**ORDERED** that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 36 months.

**ORDERED** that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$75.00 for 36 months beginning 9/1/2016

The balance of the plan shall be paid by the debtor(s) from non-exempt proceeds from sale of 3 Locust Way by 4/30/2018.

**ORDERED** that the case is confirmed at 100%, which includes a minimum of \$16,840.00 dividend to general unsecured creditors due to non-exempt equity in property.

**ORDERED** that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

**ORDERED** that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

**ORDERED** that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

**ORDERED** that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

**ORDERED** that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

**ORDERED** that the claim of Midland Funding, LLC, court claim #4-1, will be paid as if in the plan, and the Trustee is authorized to pay such claim.

**ORDERED** that the claim of Midland Funding, LLC, court claim #5-1, will be paid as if in the plan, and the Trustee is authorized to pay such claim.

**ORDERED** as follows:

Debtors are to complete a sale of property located at 3 Locust Way by 4/30/2018, and any non-exempt proceeds of said sale or refinance shall be paid to the Trustee for the benefit of creditors.

Creditors Bayview Loan Servicing, LLC, PACER Claim #3-1, JPMorgan Chase Bank, NA, PACER Claim #6-1, and E. Bruce Wetzel, Jr., claim not yet filed, shall not be paid through the Chapter 13 Plan; said creditors will be paid in full outside the Chapter 13 Plan from the sale of 3 Locust Way.

Order Resolving Objection of creditor Bayview Loan Servicing, LLC, PACER Claim #3-1, to be filed by 6/5/2017.

Certificate of Notice Page 4 of 4  
United States Bankruptcy Court  
District of New Jersey

In re:  
Joseph LaMountain  
Mary M. LaMountain  
Debtors

Case No. 16-26435-MBK  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: May 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 12, 2017.

db/jdb +Joseph LaMountain, Mary M. LaMountain, 3 Locust Way, Spring Lake Heights, NJ 07762-2108

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 12, 2017

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 10, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Andrew J. Kelly on behalf of Debtor Joseph LaMountain akelly@kbtlaw.com,  
wsheridan@kbtlaw.com;cyaccarinoesq@me.com;karyn@kbtlaw.com;mgifford@kbtlaw.com  
Andrew J. Kelly on behalf of Joint Debtor Mary M. LaMountain akelly@kbtlaw.com,  
wsheridan@kbtlaw.com;cyaccarinoesq@me.com;karyn@kbtlaw.com;mgifford@kbtlaw.com  
Brian C. Nicholas on behalf of Creditor Bayview Loan Servicing LLC bnicholas@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Denise E. Carlon on behalf of Creditor Bayview Loan Servicing LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
John R. Morton, Jr. on behalf of Creditor Hyundai Capital America  
mortonlaw.bcraig@verizon.net, tfitz@mortoncraig.com;mhazlett@mortoncraig.com  
R. A. Lebron on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bankruptcy@feinsuch.com  
TOTAL: 7